



**Oifig an Ard-Rúnaí**  
An Roinn Oideachais agus Scileanna

**Office of the Secretary General**  
Department of Education and Skills

Mr Kieran Lenihan,  
Clerk,  
Committee of Public Accounts,  
Dáil Éireann,  
Leinster House,  
Dublin 2.

10<sup>th</sup> October 2019

Our ref: SG00069

**Re: Property transfers and cash payments from religious congregations as contributions towards the costs incurred by the State in responding to residential institutional child abuse.**

Dear Mr Lenihan,

I have undertaken to provide the Committee of Public Accounts with regular updates on the transfer of properties offered by religious congregations as contributions towards the costs incurred by the State in responding to residential institutional child abuse.

This letter and the accompanying tables summarise developments since my update in May 2019. An update on cash contributions is also provided.

As the Committee is aware, properties are being transferred by religious congregations under two distinct rounds: the legally binding 2002 Indemnity Agreement and those offered voluntarily by congregations in 2009. Three properties offered voluntarily in 2009 (those at Westport, Co. Mayo, St. Anne's, Lenaboy, Galway and Cahir, Co. Tipperary) have been transferred since my last report and there is progress on the properties remaining to be transferred under the two rounds.

Details on each individual property can be seen at Appendix 1 (2002 Indemnity Agreement) and Appendix 2 (2009 voluntary offers) and a summary is provided in the following section:

### **2002 Indemnity Agreement**

Two properties remain to fully transfer under this round. It should be noted that the intended recipient is in occupation of the property in both cases and providing services from it. The material relevance of the transfer process is to provide legal ratification of the existing situation where the State is already benefiting from the use of the properties.

#### **1. Sacred Heart Centre, Waterford**

All legal title to this property has transferred to the HSE however it is with the Property Registration Authority for first registration. A certificate of title is expected to be received

shortly and at that point the property will be formally accepted as having met the requirements of the Agreement.

## **2. Mounthawk post primary school**

As I noted in my previous report, I met with the Congregation of the Sisters of Mercy in May 2019 to discuss how the transfer of Mounthawk post primary school, Tralee could be expedited. Following this meeting, outstanding boundary related litigation (not involving the Minister) and associated title issues are being dealt with. It is not yet possible to give a definitive timeframe for the completion of the transfer.

## **2009 voluntary offers**

Of the 18 properties offered voluntarily in 2009 and accepted for transfer to State bodies, 15 have fully transferred. Considerable progress has been made in relation to the transfer of the remaining properties. The detailed position is set out in Appendix 2 and summarised below.

### **Transfers completed since last update**

1. Former primary school Westport, Co. Mayo (Appendix 2 – Property 13).
2. St Anne’s Lenaboy, Galway (Appendix 2 – Property 14)
3. Land at Cahir, Co. Tipperary (Appendix 2 – Property 15)

### **Closing documents from the congregations awaited or with the Chief State Solicitor’s Office**

1. Former school Ballyjamesduff, Co. Cavan (Appendix 2 – Property 16).

### **Remaining properties**

1. The National Rehabilitation Hospital, Dún Laoghaire, Co. Dublin (Appendix 2 – Property 17)
2. Blaithín, Gracepark Road, Dublin 9, (Appendix 2 – Property 18)

The transfer of the National Rehabilitation Hospital, Dún Laoghaire is progressing and I understand from the HSE that transfer documents, contract, etc., are nearly agreed and that it is hoped to request Ministerial consent for the transfer later in October.

In the case of Blaithín, Gracepark Road, Drumcondra, I met with the Congregation of Our Lady of Charity of the Good Shepherd on 24 May. I understand from the HSE that since that meeting there has been further engagement between its legal advisers and those of the Congregation and that the transfer is now progressing to the point that a request for Ministerial consent is being prepared.

There has been further engagement with the Congregation of Christian Brothers in relation to the proposed transfer of its playing fields. The Department has looked for a further meeting with the Congregation to discuss and advance the proposals involved.

## **Cash contributions**

Contributions from the Congregation of Christian Brothers in September and October, amounting to €3.3 million, have brought to €106.9 million the total amount of cash contributed by congregations. These contributions plus added and accrued interest of €1.382 million have been

received by the Department and placed in an investment account established by the National Treasury Management Agency. This funding is available to Caranua (the Residential Institutions Statutory Fund).

The Congregation of Christian Brothers has committed to complete its outstanding cash contribution of €3.5 million by the end of the current year. Some €3.07 million of this cash contribution is required to achieve the maximum amount of contributions of €110 million set down in the Residential Institutions Statutory Fund Act 2012 that may be made available to Caranua. As provided for in section 43 of that Act, any additional cash contributions received in excess of €110 million will go towards the National Children's Hospital as will any additional cash contributions. Accordingly, some €0.43 million of the outstanding balance of the Christian Brothers' contribution will go towards the National Children's Hospital.

The Presentation Brothers has advised the Department that an additional voluntary cash contribution totalling €1 million will be paid during 2020 and 2021 towards the National Children's Hospital.

Please contact me if you require further information.

Yours sincerely,



**Seán Ó Foghlú**  
**Secretary General**

## APPENDIX 1

### Properties not fully & finally completed under 2002 Indemnity Agreement

No.	Property	Transferor	Transferee	Current / proposed use	Developments since last report	Position at October 2019
1.	Mounthawk, Tralee, Co Kerry.	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	Functioning post-primary school.	Some progress has been made by the Congregation to resolve outstanding boundary related litigation.	Pre-contract. Outstanding title related issues remain to be resolved. CSSO is in contact with the Congregation's representatives and is awaiting confirmation that the outstanding boundary related litigation and associated title issues in that regard have been fully resolved. <b>It is not possible to give a timeframe for completion as this is dependent on resolution of litigation.</b>
2.	Sacred Heart Centre, Waterford.	Sisters of Charity	Health Service Executive	Functioning childrens' health centre.	Property has transferred but first registration is required and an application is currently with the PRA.	Transfer substantially completed. Documentation with the Property Registration Authority for first registration. A Certificate of Title is expected to be received shortly and that will complete the requirements of the Indemnity Agreement. <b>Estimated timeframe for completion: by end Q4 2019 (revised from end Q3 2019).</b>

## Appendix 2

### Properties accepted for transfer to the State under the 2009 voluntary offers

No	Property	Transferor	Proposed transferee	Current / proposed use	Developments since last report	Position at October 2019
1.	Convent & former boarding school, Clonakilty, Co. Cork	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer completed in 2016.	N/A
2.	Old Primary School and Hall, Trim, Co Meath	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer completed in 2016.	N/A
3	Fatima Secondary School, Ballinamore, Co Leitrim	Congregation of the Sisters of Mercy Northern Province	Minister for Education and Skills	N/A	Transfer completed in 2016.	N/A
4.	St Joseph's Girl's Primary School, Abbey Street, Ballyhaunis, Co Mayo	Congregation of the Sisters of Mercy Western Province	Mayo County Council	N/A	Transfer completed in 2015.	N/A
5	Athboy School, Athboy, Co Meath	Congregation of the Sisters of Mercy Northern Province	Meath County Council	N/A	Transfer completed in 2015.	N/A
6	Beaumont Convalescent Home	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	N/A	Transfer completed in 2017. Valuation to be provided.	N/A
7	St. Joseph's (former) VEC College, Carrick on Suir, Co. Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer completed in 2018.	N/A
8	Scoil Mhuire Secondary School and Mercy Primary School, Ennistymon, Co Clare.	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer completed in 2018.	N/A
9	Seamount College, Kinvara, Co. Galway.	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer completed in 2018.	N/A

10	St Bernard's Group Home, Fethard, Co. Tipperary	Presentation Sisters	Health Service Executive	N/A	Transfer completed in 2019. Valuation to be provided.	N/A
11	McAuley Centre, Kells, Co. Meath	Congregation of the Sisters of Mercy Northern Province	Health Service Executive	N/A	Transfer completed in 2019. Valuation to be provided.	N/A
12	Adult Education Centre, Ozanam Street, Waterford	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	N/A	Transfer completed 2019. Valuation to be provided.	N/A
13	St Patrick's Primary School, Altamont Street, Westport, Co Mayo	Congregation of the Sisters of Mercy Western Province	Minister for Education and Skills	N/A	Transfer completed in 2019. Valuation to be provided.	N/A
14	St Anne's, Lenaboy, Galway	Congregation of the Sisters of Mercy Western Province	Galway City Council	N/A	Transfer completed in 2019.	N/A
15	Lands at Convent Road, Cahir, Co Tipperary	Congregation of the Sisters of Mercy Southern Province	Minister for Education and Skills	The property consists of 2 acres of land and the transfer will facilitate accommodation for an amalgamated school.	Transfer completed in 2019. Valuation to be sought.	N/A
16	Ballyjamesduff Co Cavan	Sisters of St. Clare	Minister for Education and Skills	The property is occupied by Cavan Meath ETB for educational purposes. This position will continue following transfer.	Contracts have been signed and the consent of the Charities Regulatory Authority has been obtained. The Transfer is expected to complete shortly.	The CSSO is awaiting closing documents from the Congregation's solicitors prior to the transfer being in a position to complete. Communication is ongoing between both solicitors. Transfer is expected to complete shortly.  <b>Estimated timeframe for completion: by end of Q4 2019 (revised from Q3 2019).</b>

17	National Rehabilitation Hospital, Dún Laoghaire, Co. Dublin	Congregation of the Sisters of Mercy South Central Province	Health Service Executive	This offer comprises the lease of land and operation of the National Rehabilitation Hospital and the transfer of a 33 acre site. This transfer will facilitate the redevelopment of the hospital (that project is now underway).	Considerable progress has been made in the case of this complex transfer with extensive engagement taking place with all stakeholders. Transfer documents, contract, etc., are nearly agreed. The HSE hopes to be in a position to request ministerial consent for the transfer later in October. On receipt of that consent the consent of the Charities Regulatory Authority will be sought.	Ministerial consent will be sought shortly (and then the consent of the Charities Regulatory Authority).  <b>Estimated timeframe for completion: by end of Q4 2019 (revised from Q3 2019).</b>
18	Blaithín - Childcare facility at Gracepark Rd, Drumcondra, Dublin 9	Congregation of Our Lady of Charity of the Good Shepherd	Health Service Executive	This 6 bed childcare facility is leased to the HSE. It will continue to function as such following transfer.	Meeting between the Department and the Congregation took place in May. Since then there has been engagement between the representatives of the Congregation and the HSE and contracts have been exchanged. Ministerial consent is expected to be sought shortly.	On receipt of ministerial consent the consent of the Charities Regulatory Authority will then be sought. <b>Estimated timeframe for completion: by end of Q4 2019 (revised from Q3 2019).</b>